

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Clement B. Darkenwald; The Clement and
Idona Darkenwald Family Limited
Partnership; and The Darkenwald & Sons
Management Company,

Civ. No. 24-4231 (JWB/SGE)

Plaintiffs,

v.

D&Y Partners, LLC; The D&Y Family
Limited Partnership; The John and Tonya
Darkenwald Family Limited Liability
Limited Partnership; The John F.
Darkenwald Revocable Trust UAD June
26, 1986; The George and Deborah
Yankoupe Family Limited Partnership;
George Yankoupe; The Estate of John F.
Darkenwald; Gilbert R. Darkenwald; Casey
Darkenwald; Tonya Darkenwald; Deborah
Yankoupe; and Darkenwald Corporation,

**ORDER ON BRIEFING SCHEDULE
AND DIRECTION TO MEET WITH
THE MAGISTRATE JUDGE**

Defendants.

Plaintiffs filed a Motion for Temporary Restraining Order and Preliminary Injunction. (Doc. No. 9.) On November 25, 2024, counsel for Plaintiffs and counsel for most of the Defendants attended a Zoom status conference. As requested, Plaintiffs filed a letter on November 26, 2024. (Doc. No. 37.) In that letter, in reliance on the representation by counsel for D&Y Partners LLC and the D&Y Family Limited Partnership that the entities will not transfer or sell any real estate holdings, Plaintiffs withdrew their request for a temporary restraining order but maintain their request for a preliminary injunction. (*Id.*) As stated at the November 25, 2024 status conference, some

expedited discovery will be allowed relating to whether a preliminary injunction should be granted.

Accordingly, **IT IS HEREBY ORDERED** that:

1. The parties must contact Magistrate Judge Shannon Elkins's chambers no later than **December 4, 2024**, to set a scheduling conference to discuss scope, methods, and timing for the expedited discovery, as well as to explore settlement.

2. The expedited discovery must be completed by **March 31, 2025**.

3. Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction (Doc. No. 9) is **DENIED WITHOUT PREJUDICE**. Plaintiffs may refile a renewed Motion for Preliminary Injunction after expedited discovery is complete.

4. The briefing schedule for Plaintiffs' renewed Motion for Preliminary Injunction shall be as follows:

- a. Plaintiffs' renewed Motion for Preliminary Injunction and supporting papers must be filed by **April 14, 2025**.
- b. Any response by Defendants must be filed by **April 23, 2025**.
- c. Any reply by Plaintiffs must be filed by **April 28, 2025**.

5. A hearing on Plaintiff's Motion for Preliminary Injunction will be held before the undersigned on **May 6, 2025, at 2:00 p.m.** in Courtroom 3B at the United States District Court, 316 N. Robert Street, St. Paul, Minnesota 55101.

6. If D&Y Partners LLC or the D&Y Family Limited Partnership plan to transfer or sell any real estate holdings, they must provide notice 30 days in advance of any transfer or sale to the Court and all parties in this lawsuit. This notice may be filed

under seal. If filed under seal, all parties must keep the information confidential and must not disclose the information without leave of Court.

7. Any Motion to Dismiss filed by Defendants in lieu of an Answer to Plaintiffs' Second Amended Complaint must be filed in accordance with the District of Minnesota Local Rules. Expedited discovery will not be stayed during the pendency of any Motion to Dismiss.

Date: November 27, 2024

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge